

## **Exhibit C**

<p style="text-align: center;">Page 1</p> <p>IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION</p> <p>NICOLE HARRIS, ) Plaintiff, ) vs. ) No. 14 CV 4391 Defendants. )</p> <p>CITY OF CHICAGO, et al., ) Defendants. )</p> <p>The deposition of ROBERT BARTIK, pursuant to notice and pursuant to the Federal Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Carmella T. Fagan, C.S.R., R.P.R., Notary Public within and for the County of Cook and State of Illinois, at 1180 North Milwaukee Avenue, Third Floor, in the City of Chicago, Cook County, Illinois, commencing at 10:12 a.m. on the 24th day of November, 2015.</p> <p>BREHON REPORTING (708) 442-0027</p>	<p>There were present during the taking of this deposition the following counsel:</p> <p>GREENBERG TRAURIG, L.L.P., BY: MR. KYLE L. FLYNN, (77 West Wacker Drive Suite 3100 Chicago, Illinois 60601) (312) 476-5126 flynnk@gtlaw.com Appeared on behalf of the City of Chicago;</p> <p>ALSO PRESENT:</p> <p>MR. RICK KOSBERG, LEGAL VIDEOGRAPHY, Videographer; MR. STUART J. CHANEN, Valorem Law Group, LLC Attorney for the Plaintiff;</p> <p>MS. NATALIE JENKINS, Valorem Law Group, LLC. Paralegal.</p> <p>BREHON REPORTING (708) 442-0027</p>																										
<p style="text-align: center;">Page 2</p> <p>There were present during the taking of this deposition the following counsel:</p> <p>PEOPLE'S LAW OFFICE, BY: MS. JANIS M. SUSLER (1180 North Milwaukee Avenue Third Floor Chicago, Illinois 60642) (773) 235-0070 Ext. 118 jansusler@gmail.com? Appeared on behalf of the Plaintiff;</p> <p>VALOREM LAW GROUP, L.L.C., BY: MS. MARGO KLEIN (35 East Wacker Drive Suite 3000 Chicago, Illinois 60601) (312) 676-5484 margo.klein@valoremlaw.com Appeared on behalf of the Plaintiff;</p> <p>ANDREW M. HALE &amp; ASSOCIATES, L.L.C., BY: MR. SHNEUR Z. NATHAN (53 West Jackson Boulevard Suite 330 Chicago, Illinois 60604-3406) (312) 870-6927 snathan@ahalelaw.com Appeared on behalf of Robert Bartik;</p>	<p style="text-align: center;">Page 4</p> <p style="text-align: center;">I N D E X</p> <p>WITNESS: ROBERT BARTIK PAGE: Examination By Ms. Susler 6 Continued Examination By Ms. Susler 201</p> <p style="text-align: center;">E X H I B I T S</p> <table> <tbody> <tr> <td>Exhibit No. 37</td> <td>120</td> </tr> <tr> <td>Exhibit No. 38</td> <td>124</td> </tr> <tr> <td>Exhibit No. 39</td> <td>155</td> </tr> <tr> <td>Exhibit No. 40</td> <td>164</td> </tr> <tr> <td>Exhibit No. 41</td> <td>244</td> </tr> <tr> <td>Exhibit No. 42</td> <td>269</td> </tr> <tr> <td>Exhibit No. 43</td> <td>312</td> </tr> <tr> <td>Exhibit No. 44</td> <td>317</td> </tr> <tr> <td>Exhibit No. 45</td> <td>318</td> </tr> <tr> <td>Exhibit No. 46</td> <td>319</td> </tr> <tr> <td>Exhibit No. 47</td> <td>326</td> </tr> <tr> <td>Exhibit No. 48</td> <td>333</td> </tr> <tr> <td>Exhibit No. 49</td> <td>372</td> </tr> </tbody> </table>	Exhibit No. 37	120	Exhibit No. 38	124	Exhibit No. 39	155	Exhibit No. 40	164	Exhibit No. 41	244	Exhibit No. 42	269	Exhibit No. 43	312	Exhibit No. 44	317	Exhibit No. 45	318	Exhibit No. 46	319	Exhibit No. 47	326	Exhibit No. 48	333	Exhibit No. 49	372
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<p style="text-align: center;">Page 237</p> <p>1 then on the right arm?</p> <p>2 A. Correct.</p> <p>3 Q. Why do you do that?</p> <p>4 A. Because of the way they --</p> <p>5 attachments -- the -- there is a long cord for the</p> <p>6 attachments and I can -- where I'm sitting here</p> <p>7 (indicating) when I -- and when I inflate the cuff, I</p> <p>8 can see the cuff, I can see the arm.</p> <p>9 Q. So the -- as we said before, the</p> <p>10 subject's right arm is closer to you.</p> <p>11 A. Yes.</p> <p>12 Q. Do you think that if you had known</p> <p>13 that Ms. Harris's other young son had been taken from</p> <p>14 her while she was in custody by the police and the</p> <p>15 Department of Corr -- of -- Department of Children</p> <p>16 and Family Services, that that could have had an</p> <p>17 impact on her reactions that would have affected the</p> <p>18 outcome of the polygraph examination?</p> <p>19 A. Sure.</p> <p>20 Q. And that's because it would be</p> <p>21 something similar to grief or shock?</p> <p>22 A. Absolutely.</p> <p>23 Q. Was there any reason that you couldn't</p> <p>24 wait until the next day or the next week to</p> <p style="text-align: center;">BREHON REPORTING (708) 442-0027</p>	<p style="text-align: center;">Page 239</p> <p>1 or not.</p> <p>2 As it was, we couldn't, but while she</p> <p>3 was there, we wanted to give her every opportunity to</p> <p>4 pass the examination. She was there and there was --</p> <p>5 you know, there's always a possibility that she would</p> <p>6 have passed that -- that examination.</p> <p>7 Q. So you left it up to her to decide.</p> <p>8 It wasn't your discretion. It was up to her to</p> <p>9 decide whether to proceed?</p> <p>10 A. No. It was up to me and her. If she</p> <p>11 said "I don't want to do this," we would have</p> <p>12 stopped. If she was upset, I would have stopped.</p> <p>13 How --</p> <p>14 Q. And if she thought that was her ticket</p> <p>15 to get out of custody and be able to grieve her son</p> <p>16 not in police custody --</p> <p>17 A. Then I should --</p> <p>18 Q. -- she had every motivation to go</p> <p>19 forward.</p> <p>20 A. Then I should -- and I should afford</p> <p>21 her that opportunity.</p> <p>22 Q. Even if you knew there were factors</p> <p>23 that would affect the reliability of the results?</p> <p>24 A. Yes.</p> <p style="text-align: center;">BREHON REPORTING (708) 442-0027</p>
<p style="text-align: center;">Page 238</p> <p>1 administer a polygraph examination to Ms. Harris?</p> <p>2 A. That would have been up to the</p> <p>3 detectives. She was willing at that point.</p> <p>4 Q. But you could have exercised your</p> <p>5 discretion to say, "I think we should wait since</p> <p>6 you've just had this loss; I think the results might</p> <p>7 be more reliable if we wait a day or a week"?</p> <p>8 A. Well, she was -- she was there and she</p> <p>9 was given an opportunity to pass this examination,</p> <p>10 and if she was -- and if she was brought in and she</p> <p>11 passed, then there would have been no reason to</p> <p>12 retest her. I would have walked -- walked out and</p> <p>13 told Detective Noradin that she had passed the</p> <p>14 examination.</p> <p>15 Q. Okay. I think my question was: Was</p> <p>16 there any reason why you could not have exercised</p> <p>17 your discretion to say that it would -- the test</p> <p>18 results would have been more reliable if you'd waited</p> <p>19 a day or longer in order to administer the polygraph</p> <p>20 to Ms. Harris?</p> <p>21 A. The results would have been probably</p> <p>22 more reliable. We would have gotten a better -- a --</p> <p>23 I don't know if I'd say better -- more of an</p> <p>24 understanding as to whether she was telling the truth</p> <p style="text-align: center;">BREHON REPORTING (708) 442-0027</p>	<p style="text-align: center;">Page 240</p> <p>1 Q. And the reason for that was?</p> <p>2 A. Because she could have passed that</p> <p>3 examination.</p> <p>4 Q. And you made the decision not to wait</p> <p>5 even though the SOP said that there were several</p> <p>6 factors that would affect the suitability of</p> <p>7 Ms. Harris as a subject.</p> <p>8 A. Yes. I wanted her to pass, give her</p> <p>9 every opportunity to pass the exam.</p> <p>10 Q. Well, do you know whether she would</p> <p>11 have passed the following day?</p> <p>12 A. No, I don't.</p> <p>13 Q. Did you give her the opportunity to</p> <p>14 try to pass the following day?</p> <p>15 A. It wasn't my decision.</p> <p>16 Q. Did you suggest to the detectives, to</p> <p>17 Noradin or anyone else who was with her, "I think</p> <p>18 we -- we can't tell on this test the way that I read</p> <p>19 it using my global assessment. I think we had better</p> <p>20 try this again when she's not so close to the death</p> <p>21 of her four-year-old son"?</p> <p>22 A. No, I didn't.</p> <p>23 Q. Why not?</p> <p>24 A. Don't know.</p> <p style="text-align: center;">BREHON REPORTING (708) 442-0027</p>

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<p>1 Q. No reason?</p> <p>2 A. No reason.</p> <p>3 Q. Why did you want her to pass?</p> <p>4 A. It's not that I wanted her to pass. I 5 wanted to give her the opportunity to pass.</p> <p>6 Q. Why?</p> <p>7 A. Everybody is afforded the opportunity 8 to pass.</p> <p>9 Q. So no different from any other subject 10 that you're -- you're giving a polygraph --</p> <p>11 A. Nope.</p> <p>12 Q. -- exam to?</p> <p>13 Nothing special about Ms. Harris; is 14 that right?</p> <p>15 A. Correct.</p> <p>16 (WHEREUPON, Mr. Stuart Chanen and 17 Ms. Natalie Jenkins entered the 18 deposition.)</p> <p>19 MR. NATHAN: I just would like everybody to 20 indicate who they are for the record, because two 21 additional people walked in.</p> <p>22 MS. SUSLER: Yeah. These are people on 23 Ms. Harris's team.</p> <p>24 MR. NATHAN: Okay. Well I . . .</p>	<p>1 went into the pretest, right?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Did you take any notes when you 4 were in the pretest with Ms. Harris?</p> <p>5 A. Yes.</p> <p>6 Q. How long did it take you to read her 7 the questions?</p> <p>8 A. I don't remember.</p> <p>9 Q. Did she have any questions as you read 10 her the questions?</p> <p>11 A. No.</p> <p>12 Q. You remember that?</p> <p>13 A. If she had a question on the 14 examination, I would have changed the question for 15 her or I would have explained it because part of my 16 testing is I review the questions with her before I 17 give her the test.</p> <p>18 Q. But do you have any specific memory 19 about whether Ms. --</p> <p>20 A. No, ma'am.</p> <p>21 Q. Okay.</p> <p>22 MS. SUSLER: We're up to 41?</p> <p>23 MS. REPORTER: We are.</p> <p>24 MS. SUSLER: There's two there.</p>
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<p>1 MS. SUSLER: Okay. I mean, you know Stuart 2 Chanen, he was --</p> <p>3 MR. NATHAN: I know Mr. Chanen.</p> <p>4 MS. SUSLER: -- just here yesterday; 5 Ms. Jenkins is a paralegal working on the case.</p> <p>6 MR. NATHAN: Hi.</p> <p>7 MS. SUSLER: All right.</p> <p>8 BY MS. SUSLER:</p> <p>9 Q. Anything you can tell me about your 10 pretest with Ms. Harris to distinguish whether it was 11 an interrogation or an interview?</p> <p>12 A. No.</p> <p>13 Q. Did Ms. Harris ever refuse to answer a 14 question?</p> <p>15 A. I don't know.</p> <p>16 Q. How long did the pretest take?</p> <p>17 A. I don't remember.</p> <p>18 Q. How long did it take you to formulate 19 the questions?</p> <p>20 A. I don't remember.</p> <p>21 Q. Did you consult with Noradin or the 22 other detectives about the questions?</p> <p>23 A. No.</p> <p>24 Q. Well, you did in the office before you</p>	<p>1 (WHEREUPON, Exhibit 41 was marked 2 and tendered to Witness.)</p> <p>3 BY MS. SUSLER:</p> <p>4 Q. Earlier you said you took notes on 5 a -- a polygraph worksheet. What I've handed you is 6 Bates stamped City 575 that's titled "Polygraph 7 Examiner's Worksheet." Do you recognize this?</p> <p>8 A. Yes.</p> <p>9 Q. What is it?</p> <p>10 A. This is Ms. Harris's examiner 11 worksheet.</p> <p>12 Q. Whose handwriting is on it?</p> <p>13 A. Mine.</p> <p>14 Q. All the handwriting on this anywhere 15 is all yours?</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 A. Except -- excuse me. Except for this 19 circle. I don't know what that is. I don't know who 20 put that there. That's not mine.</p> <p>21 Q. Okay. That -- this --</p> <p>22 A. But other than that --</p> <p>23 Q. -- one right here (indicating) --</p> <p>24 A. Yes.</p>
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